

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ESTATE OF LUQMAN A. ABDULLAH,

Plaintiff,

CASE NO. 12-14766

HON. LAWRENCE P. ZATKOFF

v.

UNIDENTIFIED FBI AGENTS,

Defendants.

ORDER TO FILE APPEARANCE(S) AND ANSWER(S)

AT A SESSION of said Court, held in the
United States Courthouse, in the City of Port Huron,
State of Michigan, on the day of March, 2013

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Plaintiff filed his Complaint on October 26, 2012, against “Unidentified FBI Agents” with respect to an incident that occurred on October 28, 2009 – more than three years ago. Plaintiff served a copy of the Summons and Complaint on the United States Attorney Office in Detroit, Michigan, the Office of the Attorney General for the United States of America in Washington, D.C. and the Federal Bureau of Investigation in Washington, D.C. in early November 2012 (see Docket #s 5, 6, 7). On January 14, 2013, Plaintiff requested a Clerk’s Entry of Default as to the Defendant Unidentified FBI Agents, and the Clerk’s Office entered an Entry of Default on January 15, 2013. Nothing has been filed in this case since the Entry of Default was entered on January 15, 2013.

Although Plaintiff has obtained a Clerk’s Entry of Default in this case, default judgment cannot be entered in a case such as this (where the defendants are the United States, its officers, or its agencies) unless “the claimant establishes a claim or right to relief by evidence that satisfies the

court.” Fed.R.Civ.P. 55(d). Moreover, in this case, where the defendants have not been identified, it is possible, and even likely, that the Clerk’s Entry of Default may be set aside because, among other things, Plaintiff would not be prejudiced by such action at this point in the litigation. This is also a case, however, where it is unacceptable that neither the Office of the United States Attorney nor the Office of the Attorney General has filed an appearance or an answer to Plaintiff’s Complaint for more than four months after being served.

Accordingly, the Court hereby ORDERS the government to file with the Court, within 30 days of the date of this Order, appearance(s) of counsel and answer(s) to Plaintiff’s Complaint. The Clerk of the Court shall cause the government agencies that were served with a copy of the Summons and Complaint to be served with a copy of this Order to File Appearance(s) and Answer(s) at the same addresses that the Summons and Complaint were served (as set forth in Docket #s 5, 6, 7).

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: March 19, 2013